

Appl. No. : 10/648971
Filed : August 27, 2003

REMARKS

In the June 17, 2004 Office Action, the Examiner rejects Claims 1-2, 4, 8, 10-13, and 15 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,808,867 to Wang ("Wang"). In addition, the Examiner rejects Claims 1-3 and 5-10 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,388,875 to Chen ("Chen"). Applicant requests reconsideration of the rejections in view of the following comments and amendments.

Affirmation of Election

Applicant affirms election without traverse of Groups I, II, and III with Claims 1-13, and 15, and Applicant cancels unelected Claim 14 herewith.

Discussion of Rejection of Independent Claim 1 Under 35 U.S.C. § 102(b) by Wang

The Examiner rejects Claim 1 under 35 U.S.C. § 102(b) as anticipated by Wang. In particular, the Examiner states that Figure 4 of Wang teaches the claimed invention. In response, Applicant has amended Claim 1 to more clearly define the claimed invention.

For example, Claim 1 recites "where the left side wall has a first side and a second side and further defines a first groove on the first side disposed a first height above the bottom surface and a second groove on the second side at a second height above the bottom, the second height different than the first height, where the right side wall further defines a third groove disposed the second height above the bottom surface..." Applicant respectfully submits that Wang does not teach a side wall with grooves on both sides of the side wall.

Therefore, Wang does not teach or suggest Applicant's invention as claimed by amended Claim 1. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," see MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 1 over Wang and to allow amended Claim 1.

Discussion of Rejection of Independent Claim 11 Under 35 U.S.C. § 102(b) by Wang

The Examiner rejects Claim 11 under 35 U.S.C. § 102(b) as anticipated by Wang.

The Examiner states that Wang shows "a first side wall with a first tongue 23" and a second side wall having a second tongue 23." However, for example, Wang does not disclose

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that the first tongue and the second tongue extend outward from the first side wall and the second side wall, respectively, as claimed by amended Claim 11. Applicant respectfully submits that Wang does not teach or suggest such a configuration.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of Claim 11 over Wang and to allow Claim 11 as amended.

Applicable Statute with respect to Chen

Applicant assumes that the Examiner's reference to 35 U.S.C. § 102(b) in rejecting claims 1-3 and 5-10 over Chen is a typographical error and that the Examiner intended to reference 35 U.S.C. § 102(e).

Discussion of Rejection of Independent Claim 1 Under 35 U.S.C. § 102(e) by Chen

The Examiner rejects Claim 1 under 35 U.S.C. § 102(e) as anticipated by Chen. In response, Applicant amends Claim 1 herewith to more clearly distinguish over Chen.

The Examiner states that Chen teaches "where the left side wall further defines a first groove (bottom-most groove in left side wall) disposed a first height above the bottom surface, where the right side wall further defines a second groove (groove above bottom-most groove in right side wall) disposed a second height above the bottom surface, where the first height is different from the second height." The Examiner further states that Chen teaches "a left side wall of the electronic module comprises a first tongue 100 that is adapted to mate with the first groove in a corresponding left side wall of the equipment rack, and where the right side wall of the electronic module comprises a second tongue 100 that is adapted to mate with the second groove in a corresponding right side wall of the equipment rack."

However, Chen does not disclose, for example, "where the left side wall has a first side and a second side and further defines a first groove on the first side disposed a first height above the bottom surface and a second groove on the second side at a second height above the bottom, the second height different than the first height, where the right side wall further defines a third groove disposed the second height above the bottom surface..." as recited by amended Claim 1. Applicant respectfully submits that Wang does not teach a side wall with grooves on both sides of the side wall.

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Therefore, Applicant respectfully submits that Chen does not teach or suggest the invention as defined by amended Claim 1, and Applicant accordingly requests the Examiner to withdraw the rejection to Claim 1 and to allow amended Claim 1.

Discussion of Rejection of Independent Claim 5 Under 35 U.S.C. § 102(e) by Chen

The Examiner rejects Claim 5 under 35 U.S.C. § 102(e) as anticipated by Chen.

Applicant respectfully submits that Chen does not teach or suggest the invention as defined by amended Claim 5. For example, Chen does not teach or suggest side walls "where the first sides and the second sides are flip sides," where there are "a plurality of first grooves on the first sides of the side walls," or where there are "a plurality of second grooves on the second sides of the side walls."

Therefore, Applicant respectfully submits that Chen does not teach or suggest the invention as defined by amended Claim 5, and Applicant accordingly requests the Examiner to withdraw the rejection to Claim 5 and to allow amended Claim 5.

Discussion of Rejection of Claim 8 Under 35 U.S.C. § 102(b) by Wang and Under 35 U.S.C. § 102(e) by Chen

The Examiner rejects Claim 8 under 35 U.S.C. § 102(b) as being anticipated by Wang and under 35 U.S.C. § 102(e) as being anticipated by Chen. Applicant respectfully traverses the rejection.

In rejecting Claim 8 under either Wang or Chen, the Examiner uses characteristics from different side walls. For example, the Examiner uses "top groove above 120 on right side wall" and "bottom groove below 120 on left side wall" from Wang, and the Examiner uses "bottom-most groove in left side wall" and "groove above bottom-most groove in right side wall," from Chen. Applicant notes that the "first side" and the "second side" in Claim 8 are from the same side wall.

Therefore, Applicant respectfully submits that Wang, Chen, or a combination thereof do not teach or suggest the invention as defined by Claim 8, and Applicant accordingly requests the Examiner to withdraw the rejection to Claim 8 and to allow Claim 8.

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Discussion of Rejection of Dependent Claims 2-4, 6, 7, 9, 10, 12, 13, and 15

Dependent Claims 2-4, depend from and further define Claim 1. Dependent Claims 6 and 7 depend from and further define Claim 5. Dependent Claims 9 and 10 depend from and further define Claim 8. Dependent Claims 12, 13, and 15 depend from and further define Claim 11 respectively.

The dependent claims recite numerous additional distinctions over the cited references. For example, dependent Claim 9 describes "wherein the side wall is fabricated from a single sheet of metal." Applicant respectfully submits that Wang or Chen does not teach or suggest a modular electronic system with a side wall fabricated from "a single sheet of metal."

In addition, Applicant respectfully submits that the rejections to dependent Claims 2-4, 6, 7, 9, 10, 12, 13, and 15 are moot in light of the patentability of Claims 1, 5, 8, and 11, and Applicant accordingly requests allowance of Claims 2-4, 6, 7, 9, 10, 12, 13, and 15.

Summary

In view of the foregoing remarks, Applicant respectfully requests the Examiner to withdraw the rejections of Claims 1-13 and 15 under 35 U.S.C. § 102(b) and 35 U.S.C. § 102(e). Applicant further requests the Examiner to allow Claims 1-13 and 15 and to pass the present application to the issue process.

If there is any further impediment to the prompt allowance of the present application, Applicant requests the Examiner to call the undersigned attorney of record at 310-407-3466 or at the telephone number listed below to resolve any such impediment.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Sept. 14, 2004

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